



POLICE DEPARTMENT
Office of Deputy Commissioner,
Legal Matters
One Police Plaza, Room 1406A
New York, New York 10038

July 15, 2013

Michael Morisy
MuckRock News
DEPT MR 1127
P.O. Box 55819
Boston, MA 02205

RE: FREEDOM OF INFORMATION LAW
REQUEST: LBF Number: 12PL102269

Dear Mr. Morisy:

This is in response to your letter postmarked July 6, 2012, appealing the determination of the Records Access Officer, dated June 22, 2012, regarding your request for NYPD records that pertain to Intelligence Division investigations, pursuant to the Freedom of Information Law ("FOIL") by letter dated February 6, 2012.

The appeal is denied because the records you requested are exempt from disclosure pursuant to POL Section 87(2)(e)(iv) as non-routine investigative techniques, and pursuant POL Section 87(2)(f) because the safety of the public would be compromised. Moreover, any records that identify confidential sources or contain confidential information are exempt from disclosure pursuant to POL Sections 87(2)(e)(iii and iv). Also, to the extent that disclosure of the requested records could jeopardize the confidentiality of the identity of undercover officers, and, therefore, jeopardize the officers' safety and the success of the program, the request is further denied on safety grounds pursuant to POL Section 87(2)(f). In addition, the requested records are exempt from disclosure pursuant to Public Officers Law (POL) Section 87(2)(e)(i) since disclosure of the requested records would interfere with ongoing judicial proceedings. Efforts by NYPD to prevent acts of terrorism would be hampered, and their effectiveness diminished, if the criminals who plan to attack New York City were given access to the panoply of protective measures the NYPD takes to ensure the safety of all of those present in New York City.

Other exemptions under FOIL also may apply.

You may seek judicial review of this determination by commencing an Article 78 proceeding within four months of the date of this decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan David", is written over the typed name.

Jonathan David
Records Access Appeals Officer

c: Committee on Open Government